ORDER RECEIVED/FOR FILING

IN RE: PETITION FOR SPECIAL HEARING

E/S Riverton Road, 80' N of Leland Avenue

(101 Riverton Road)

15th Election District

6th Councilmanic District

OF BALTIMORE COUNTY

DEPUTY ZONING COMMISSIONER

* Case No. 99-222-SPH

BEFORE THE

John Blazek Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of a Petition for Special Hearing filed by the owner of the subject property, John Blazek, through his attorney, John B. Gontrum, Esquire. The Petitioner seeks approval of a service garage on the subject property as a nonconforming use, as it was originally approved in prior Case No. 1548-S in 1949, or, in the alternative, to approve the continued operation of the service garage and boat repair facility, pursuant to the relief granted in prior Case No. 79-143-XA. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were John Blazek, property owner, his mother, Wilma M. Blazek, and his attorney, John B. Gontrum, Esquire. Also appearing at the hearing in support of the request were Gary Whitfield, the proprietor of the service garage, and Cathy Storms, who operates a canvas repair shop on the subject property. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property consists of a gross area of 0.266 acres, more or less, zoned B.L., and is improved with a block building and macadam paved parking area. The block building houses an automobile service garage facility

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Date
Place
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and a small canvas shop. Testimony indicated that the automobile service garage and canvas shop have existed on the property for many years. In fact, as noted above, the prior owner was granted approval for a gasoline service station and automobile repair facility in 1949. Subsequently, in Case No. 79-143-XA, the then property owners, Gary and Karen Rosenberger, were granted a special exception for a boat yard, and variance relief to permit the storage and display of cars and boats on the subject property. Testimony indicated that the service garage and boat repair facility have operated continuously and without interruption since that time. Ms. Storms has apparently operated the canvas repair shop in conjunction with the boat repair facility for many years. As a result of a routine inspection in the area by a Code Enforcement Officer, the Petitioner was advised to file the instant Petition to confirm that the uses are permitted and to request approval of their continued operation.

After due consideration of the testimony and evidence presented, and a review of the prior case records, I find that the automotive service garage and boat repair/canvas shop facility are permitted uses, in accordance with the relief granted in prior Cases Nos. 1548-S and 79-143-XA, and as such, should be permitted to continue to operate. It should be noted that these businesses have operated on the subject property for many years without prior objection by any adjoining or nearby property owner. Mr. Blazek is not asking for any additional uses or structures to be built on the property; rather, he is merely requesting that the uses that have existed on the property be allowed to continue.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 10 day of February, 1999 that the Petition for Special Hearing to reaffirm the use of the service garage and boat repair facility/canvas shop on the subject property, as

originally approved in prior Cases Nos. 1548-S and 79-143-XA, and in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

TIMOTHY M. KOTROCO

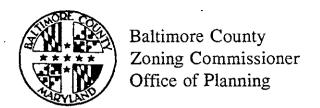
Sunthy lotroro

Deputy Zoning Commissioner

for Baltimore County

TMK:bjs

atol AECENCING PRINCE



Suite 405, County Courts Bldg. 401 Bosley Avenue Towson, Maryland 21204 410-887-4386

January 20, 1999

John B. Gontrum, Esquire 814 Eastern Boulevard Baltimore, Maryland 21221

RE: PETITION FOR SPECIAL HEARING
E/S Riverton Road, 80' N of Leland Avenue
(101 Riverton Road)
15th Election District – 6th Councilmanic District
John Blazek - Petitioner
Case No. 99-222-SPH

Dear Mr. Gontrum:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

Musthy Hotroco

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner

for Baltimore County

TMK:bjs

CC:

Mr. John Blazek, DTA Development Corporation 10 E. Lee Street, Suite 2508, Baltimore, Md. 21202

Code Enforcement Division, DPDM; People's Counsel; Case File



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached

a non-conforming use of a service garage reviewed through cases 79-143-XA

hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve - Service garage of originally opposed

for the property located at #101 & Riverton Road

which is presently zoned

BL

and 1548-S and boat repair.	,
Property is to be posted and advertised as pr	persited by Zanina Daguistics
l, or we, agree to pay expenses of above Special Hearing	s advertising, posting, etc., upon filing of this petition, and further agree to an of Beltimore County adopted pursuant to the Zoning Law for Baltimore Cou
	VWe do solemnly declare and allims, under the penalties of perjury, that I/we are tilegal owner(s) of the properly which is the subject of this Petition.
ontract Purchaser/Lesses:	Legal Owner(s):
ype or Print Name)	John Blazek
· 	
nature	Signature
ickrees	(Type of Print Name)
Sees Zorode	Signature .
4- 	DTA Development Corp. (410) 727-716
omey for Petitioner: hn B . Gontrum	10 E. Lee Street, Suite 2508 Rose No. Baltimore, MD 21202
pe or Print Name)	City State Zipcode Name, Address and phone number of legal owner, contract purchaser or representa to be contacted.
Show the state of	in the constitution
4 Eastern Blvd (410) 686-8274	Name
rees Phone No.	Address Phone No.
Itimore, MD 21221 State Zipcode	ESTIMATED LENGTH OF HEADING
	unmellable for Hearing
	Next Two Months

222

ZONING DESCRIPTION

Beginning at a point on the east side of Riverton Road which is 40 feet wide at the distance of 80 feet north of Leland Avenue which is 50 feet wide, thence the following course of distances: N 85 degrees 19 feet 30 seconds E 175.00 feet, S 04 degrees 40 feet 30 seconds E 90.00 feet, Northwesterly 146.00, N 47 degrees 40 feet 30 seconds W 48.00 feet and N 04 degrees 40 feet 30 seconds W 23.00 feet to the place of beginning as recorded in Deed Liber 12430, Folio #190, containing 0.266 acres of land. The land is also known as #101 Riverton Road.



MOTICE OF ZOMUEG HEARING

The Zoning Commissioner of Baitimore County, by authority of the Zoning Act and Regula-tions of Baitimore County will hold a public hearing in <u>Tow-</u> <u>son Maryland</u> on the property identified herein as follows: The Zoning Commissioner of

Case: #99-222-SPH 101 Riverton Road NEC 'Riverton Road and Leland Avenue 15th Election District 6th Councilmanic District Legal Owner(s): John Blazek

Special Hearing: to approve a service garage as originally approved or alternatively, a non-conforming use of a service garage reviewed through cases 79-143-XA and 1548-S. and boat repair. Hearing: Monday, January 11, 1999 at 9:00 a.m. in Room 487, County Courts Bidg., 401 Busley Arence:

LAWRENCE E. SCHMIDT

LAWRIENCE E. SCHMIDT
Zoning Commissioner for
Battimore County
NOTES: (1) Hearings are
Handicapped Accessible; for
special accommodations
Please Call (410) 887-3353. (2) For information concerning the File and/or Hearing, Please Call (410) 887-3391.

12/299 Dec. 24 C280863

CERTIFICATE OF PUBLICATION

TOWSON, MD.,	12/23	, 1998
THIS IS TO CERTIFY, that t	he annexed adver	rtisement was
published in THE JEFFERSONIAN,	, a weekly newspa	per published
in Towson, Baltimore County, Md.,		P
weeks, the first publication appeari	ing on 1223	3, 1998.
THE	EJEFFERSON	
a. 1	Jenil	sar

LEGAL AD. - TOWSON

BALTIMORE COUNTY, MAF AND OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT DATE 1/30/98 ACCOUNT ROOISISO AMOUNT \$ 250.00	PALL RECEIPT FREDESS ACTUAL TIME 11/30/1998 11/30/1998 10:30:00 85: WSO3 CSSHIER PWES PEN IMAVR C HISCILLANNIS CASH RETEIPT RECEIPT # 06/720
FROM: ROMACHA CONTRUM +MULAUCHUN!	250.00 CHETY A
1 QQ-222 QQ-222	-SPH
DISTRIBUTION WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER	CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case # 99-222-SPH
Petitioner/Developer:
(John Blazek)
Date of Hearing/Castleg:
(Jan 11, 1999)

Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21284

Attention: Ms. Gwendolyn Stephens

Ladies and Gentleman:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at					
The sign(s) were posted on Dec. 26, 1998(Month, Day, Year)					



Sincerely,
Man Ofst hal 98
(Signature of Sign Poster & Date)
Thomas P. Ogle, Sr
325 Nicholson Road
Baltimore, Maryland 21221
(418)-687-8485
(Telephone Number)

		SPECIAL HEAR C Riverton Road		*		BEFORE	THE		
Leland Av	venue, 15th Ele	ection District,	auu	*		ZONING	COM	MISSIONE	R
6th Counc	eilmanic			*		FOR			
Legal Ow	ners: John Bla	azek		*		BALTIM	ORE C	OUNTY	
P	etitioner(s)			*		Case Nur	nber: 9	9-222-SPH	ſ
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ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates of other proceedings in this matter and of the passage of any preliminary or final Order.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Peter Max Zimmeina

CAROLE S. DEMILIO

OxileS. Domilio

Deputy People's Counsel

Old Courthouse, Room 47

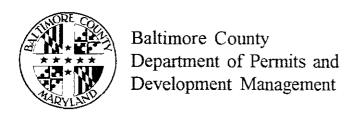
400 Washington Avenue Towson, MD 21204

(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 31 day of December, 1998, a copy of the foregoing Entry of Appearance was mailed to John B. Gontrum, Esq., Romadka, Gontrum & McLaughlin, 814 Eastern Blvd., Baltimore, MD 21221, attorney for Petitioner(s).

PETER MAX ZIMMERMAN



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 pdmlandacq@co.ba.md.us

December 14, 1998

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 99-222-SPH

101 Riverton Road

NEC Riverton Road and Leland Avenue

15th Election District – 6th Councilmanic District

Legal Owner: John Blazek

<u>Special Hearing</u> to approve a service garage as originally approved or alternatively, a non-conforming use of a service garage reviewed through cases 79-143-XA and 1548-S and boat repair.

HEARING: Monday, January 11, 1999 at 9:00 a.m. in Room 407, County Courts

Building, 401 Bosley Avenue

Arnold Jablon

Director

c: John Blazek

John B. Gontrum, Esquire

NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY DECEMBER 27, 1998.

(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.

(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 410-887-3391.

TO:

PATUXENT PUBLISHING COMPANY

December 24, 1998 Issue – Jeffersonian

Please forward billing to:

Romadka, Gontrum & McLaughling, P.A.

814 Eastern Boulevard Baltimore, MD 21221 410-686-8274

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 99-222-SPH

101 Riverton Road

NEC Riverton Road and Leland Avenue

15th Election District – 6th Councilmanic District

Legal Owner: John Blazek

<u>Special Hearing</u> to approve a service garage as originally approved or alternatively, a non-conforming use of a service garage reviewed through cases 79-143-XA and 1548-S and boat repair.

HEARING:

Monday, January 11, 1999 at 9:00 a.m. in Room 407, County Courts

Building, 401 Bosley Avenue

The offer of 14

LAWRENCE E. SCHMIDT ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 410-887-3391

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

	r or Case Number: 99 - 222 - 584
etitioner: _	VOHN BLAZEK
ddress or L	ocation: 101 RIVERTUS ROOD.
LEAGE	
Name:	RWARD ADVERTISING BILL TO: Romadka, GonTing melwellin P.A.
Name:	RWARD ADVERTISING BILL TO: Romadka, GonTma melwellin, P.A. 814 Eusten Blue
Name: Address:	Romadka, GorTma melwellin P.A.

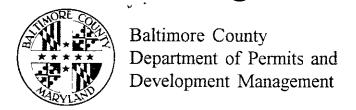
Revised 2/20/98 - SCJ

Request for Zoning: Variance, Special Exception, or Special Hearing					
Date to be Posted: Anytime before but no later than Format for Sign Printing, Black Letters on White Background:					
ZONING NOTICE					
Case No.: 99-222 - SPH					
	A PUBLIC HEARING WILL BE HELD BY THE ZONING COMMISSIONER IN TOWSON, MD				
PLACE:					
DATE AND TIME:					
REQUEST: 74 SPECIAL H	EARING TO APPROVE A SERVICE CARAGE USE AS				
APPROVED OR ALTER	MATINE TO APPROVE A SERVICE CARAGE USE AS				
	2 THROUGH GASES 79-143-XA AND 1548-S AND				
BOAT REPAIR,					
POSTPONEMENTS DUE TO	WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY. TO CONFIRM HEARING CALL 887-3391.				

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

post_4.doc



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 pdmlandacq@co.ba.md.us

January 7, 1999

John B. Gontrum, Esq. 814 Eastern Boulevard Baltimore, MD 21221

RE: Item No.: 222

Case No.: 99-222-SPH

Location: 101 Riverton Road

Dear Mr. Gontrum:

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM), on November 30, 1998.

Zoning Advisory Committee (ZAC), which consists of representatives from several Baltimore County approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.

Zoning Supervisor

Zoning Review

WCR:ggs

Enclosures

Sun

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: December 21, 1998

TO:

Arnold Jablon, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

101 Riverton Road

INFORMATION:

Item Number:

222

Petitioner:

John Blazek

Property Size:

0.267

Zoning:

BL

Requested Action:

Special Hearing

Hearing Date:

SUMMARY OF RECOMMENDATIONS:

The Office of Planning supports the request to amend the special exception in Case No. 79-143 XA (to permit the storage and display of cars and boats), and to allow the retention of an automotive service garage, provided the following conditions are met:

- Replace chain link fencing with a new fence (see enclosed specifications). Chain link fencing should be used along Leland Avenue and Riverton Road. Board-on-board fencing should be provided along the residential lot lines;
- Provide landscaping along Leland Avenue and Riverton Road on the outside of the fence. Along the residential lots, a vegetated buffer should be planted to screen the use from the view of the adjacent residential properties;
- Provide curbing along the street edge;
- Indicate how drainage and storm-water runoff requirements are being met; and
- Amend site plan to show all buildings currently improved on the site.

Section Chief:

AFK:KB isn



- A. Vinyl coated chain link fencing minimum specifications
 - 1. Fabric Material
 - o Vinyl coated steel chain link fabric in accordance with ASTMF - 668 - type 28.
 - o Steel core wire shall be galvanized in accordance with ASTM 641 71A.
 - o Color shall be a dark, earth tone.
 - o The fabric type shall be:
 - a) standard industrial type
 - b) 2" ± 1/8"
 - c) 9 gauge
 - d) 0.148" core wire diameter
 - e) 1290 lbs. breakload
 - o The fabric selvage shall be knuckled on the top and bottom.
 - Post and framing all steel parts shall be hot-dipped galvanized as per ASTM, prior to vinyl coating. Thickness of vinyl coating shall be 10-14 mills applied by fusion bonding.
 - 3. Slatting specifications

P.D.S> (Privacy Decorative Slatting) or equal. 0.951 density polyethylene hollow rectangular tube that fits snugly into the weave of chain link fabric. The melt index value is .35/.40 [environmental stress crack resistance (ESCR)]. The low temperatures brittle point is -76 degrees Fabrenheit.

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

:OT

Arnold Jablon, Director

Date: December 24, 1998

Department of Permits & Development

Management

FROM: R

Robert W. Bowling, Supervisor Bureau of Developer's Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

for December 23, 1998

Item Nos. 222, 223, 224, 225, 226, 227, 228, 229, 231, 232, 233, 234,

and 235

AND

Revised Petitions and Plats for Case #99-159-XA (8101 Bellona Avenue)

The Bureau of Developer's Plans Review has reviewed the subject zoning items and revised petitions and plats, and we have no comments.

RWB:HJO:jrb

cc: File

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Permits and Development Management

DATE: 4/23/92

FROM:

R. Bruce Seeley, Project Manager (A)

Development Coordination

DEPRM

SUBJECT:

Zoning Advisory Committee

Distribution Meeting Date:

The Department of Environmental Protection and Resource Management has no comments for the following Zoning Advisory Committee Items:

231

Item #'s:

225

227

22-8

232 233



Office of the Fire Marshal 700 East Joppa Road Towson, Maryland 21286-5500 410-887-4880

December 11, 1998

Arnold Jablon, Director Zoning Administration and Development Management Baltimore County Office Building Towson, MD 21204 MAIL STOP-1105

RE: Property Owner: DENNIS W. JOHNSON AND LINDA C. JOHNSON - 232

JOHN BLAZEK - 222

Location: DISTRIBUTION MEETING OF December 14, 1998

Item No.: 232 AND/222

Zoning Agenda:

Gentlemen:

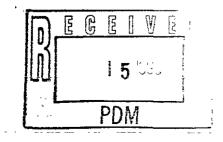
Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

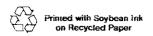
5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1994 edition prior to occupancy.

REVIEWER: LT. HERB TAYLOR

Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File







Parris N. Glendening Governor David L. Winstead Secretary

Parker F. Williams Administrator

Date: 12.11-9 Y

Ms. Gwen Stephens
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County

Item No. 222 (JLL)

Dear. Ms Stephens:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

1. J. Drelle

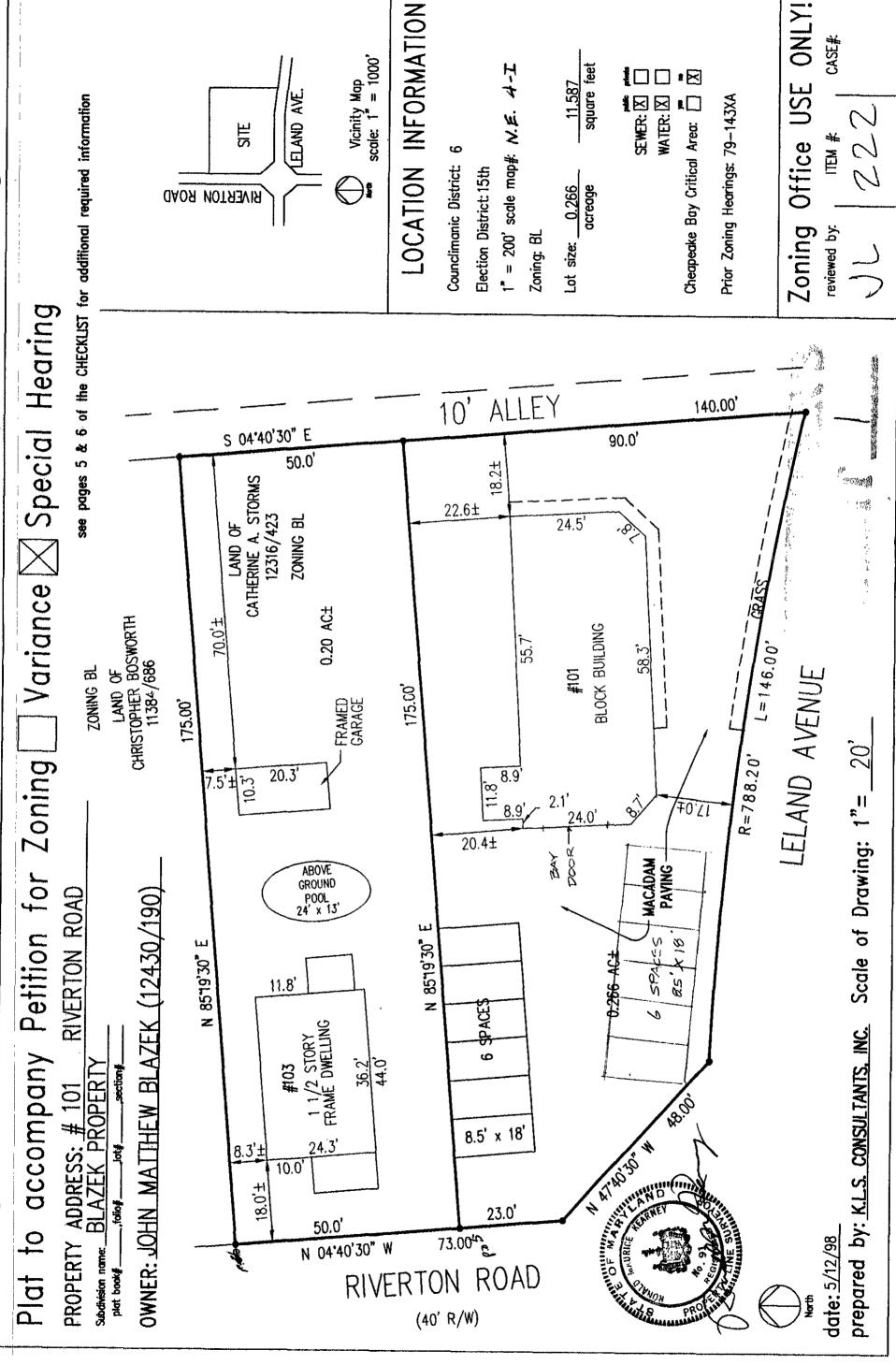
1-

Michael M. Lenhart, Acting Chief Engineering Access Permits Division

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
Guitma M. Black	13/2 Shore R1. 21220
Son M. BLAZEK Cary Whitfield	1815 Grangler Lay 2,04 101 Rwerton Rd. 21220 101 Riverton Rd 21220
Cally Storms	101 Riverton Rd 21220



9-222-8PH

